

CONSTITUENT ASSEMBLY OF INDIA

ADVISORY COMMITTEE TRIBAL AND EXCLUDED AREAS

Excluded and Partially Excluded Areas—II



1947

NEW DELHI: PRINTED BY MANAGER
GOVERNMENT OF INDIA PRESS 1948

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CHAPTER I

PRESENT CONDITIONS

A satisfactory scheme for the administration of the excluded and partially excluded areas is a matter of great importance both from the point of view of enabling the tribal elements to take their appropriate place in the administration of the country and enrichment of its culture and also of the elimination of a source of weakness in India's political make-up which is full of potentialities of discord and even danger. Adequate safeguards for minorities is given as one of the special premises of the State Paper of the 16th May 1946. A close examination of the problems of the "Backward Tribes" is therefore a special necessity and material for this purpose is provided in what follows.

To begin with, conditions in the different provinces and the circumstances associated with the formation of the excluded areas are depicted in such detail as is available. Certain information called for from the Provinces is still awaited and further material remains to be collected on tour.

GROUP A

MADRAS

2. The excluded areas of the province consist of the group of Islands known as the Laccadive Group, with Minicoy Island well to the south of them, and the Amindivi Islands to the north. The Laccadive Group is attached to the Malabar District and the Amindivi Islands to the South Canara District. The area of the former group is about 7 square miles in all and of the latter about 3 square miles. The population of both groups, numbering 18,355 in all, are Muslim by religion. The inhabitants of Minicoy are said to be of Sinhalese origin while the Laccadive islanders have affinities with the Mappillahs of Malabar. The islands, cut off altogether from the mainland for several months during the monsoon as they are, and subject to extremely limited contact during the remaining months of the year and limited in resources, are in a backward state of development. The islanders are not classed as aboriginals* and their backward state seems to be largely due to these limitations. The exclusion of the islands was conditioned apparently by their inaccessibility, "the impossibility of fitting them into any electoral arrangements" and "the backward state of the inhabitants". The administration of the islands is still carried on partly under customary laws and partly under special regulations, the immediate executive officer being an *amin* or *monagar* (Amindivi Islands) with powers to try petty civil and criminal cases. A recent report of the Collector of Malabar indicates that "for administrative convenience it seems better to incorporate these islands to the provincial group with necessary clauses for the protection of backward tribes". The Collector is of the view that if proper means of communications are arranged for the administration of the islands can be improved and the industries and trade developed.

As regards the Amindivi Islands the Collector of South Canara says that as the islands are cut off from the mainland for about 5 months in a year during the monsoon, it is impossible to administer them as effectively as the rest of the presidency. He considers they cannot be included properly in any constituency nor could the islanders elect a representative who would be able to attend the legislature regularly.

*In the statement furnished by the Madras Government they have been shown as "Backward".

3. From the reports on the conditions prevailing in the islands, it appears that the main difficulty is the comparative inaccessibility of the islands rather than the great primitiveness of their inhabitants. It is said that the *amin* of the Laccadive Group is nearly always selected from the islanders and that the traditions of the people as well as their language and customs are akin to those of Malabar Muslims. It may be that the islands and the islanders need more attention by way of improvement of communications with the island and by way of education, but this does not seem to provide adequate grounds for exclusion or withholding the franchise, nor is any advantage secured to the islanders themselves by such a policy. The islands are perhaps too small in population and area to send a separate representative by themselves, and the difficulty felt by the Collector of South Canara that the islanders would not be able to elect a representative "who would be able to attend the legislature regularly" is not of any practical consequence. Superficially there seems to be no objection to the inclusion of the islands in a mainland constituency which covers the coast opposite ; it needs to be explored whether there are any other difficulties in the way. The objection which may be raised that inclusion in a constituency is likely to be purely nominal on account of the inaccessibility of the islands and perhaps the reluctance of the would-be representatives to visit this portion of the constituency, needs to be surmounted primarily by improving the means of communication, but may not constitute a sound reason for the negative expedient of exclusion from the franchise.

4. The Partially Excluded Areas consist of the East Godavari Agency and the Vizagapatam Agency. These areas, with a total area of 6,792 square miles, have a total population of 493,026 of which about 278,918 are tribals and 54,000 are classed as "backward", making a total percentage of 67.6. The tribal inhabitants of these tracts are Koyas, Dombos, Bagatas, Kondhs etc.

5. The position regarding the Partially Excluded Areas is as follows :—

(a) East Godavari District : The Agent reports that there is no marked progress in the economic condition of the hill tribes and that "civilization has made no headway among them". He also reports that the hillmen are still averse to send their children to schools in spite of various inducements. He is emphatically of the opinion that they need special protection and will be exterminated as a race in no time if the tracts are not separately administered ; and, also, that the tribes are easily excitable and difficult to tackle in their hilly strongholds. In this area civil justice is governed by a set of special rules, and, except for portions, the Civil Procedure Code does not apply. The Criminal Procedure Code applies with modifications. Cultivation is of the *podu* type. A few people living in the riverain villages and certain Koyas of Nugur taluk are reported to have taken to settled cultivation. A special scheme for inducing them to take to settled cultivation is in operation.

(b) In the West Godavari District the Agent is of the opinion that the tribes continue to require special measures for protection. He, however, reports that there are several villages in Polavaram taluk which are not inhabited by hill tribes but by people from the plains. He considers that these villages could be excluded from the special system of Agency administration and transferred to the ordinary system.

(c) In the Vizagapatam Agency, it is considered necessary to continue to have special measures for protection except that it is no longer necessary to administer civil justice in Agency Courts and that administration of civil justice may be transferred to the plains civil courts. The Agent is of the opinion that the Agency Courts are rather slow and less expert and that there is no particular point in retaining the civil administration with these courts, except in respect of small causes.

6. For the Partially Excluded Areas, the question is mainly one of protection since the areas are already included in the franchise. There is a special tribal constituency covering the taluks of Golconda, Gudem, Srungavara-pukota and Yellavaram in the Agency areas and the qualifications for inclusion in the electoral roll as well as for election are that the person must be a member of a tribe. The extent to which the tribes partake in the elections and the question of adult franchise are matters for examination.

7. The total tribal population of the province is 562,029. Excluding the population of the Agency tracts, there are scattered pockets of tribes, such as *Kuruba*, *Toda*, *Irula*, *Urali*, *Vizhuvan* etc. in the hills of Nilgiri Palni, Annamalai and other places. These tribes are either intermingled with the rest of the population or cannot be found in sufficiently large administrative units and, in varying degrees, are in much the same condition as the rest of the population and hence have not been constituted into any "partially excluded area". The question so far as they are concerned is the manner in which they have been faring and the extent to which they are still not able to hold their own with the surrounding population and therefore need special attention.

8. The Madras Government have not stated what their future policy in regard to these areas is. A special committee was appointed by them in December 1946 to investigate and report on the economic and social conditions of the aboriginals in the province and the formulation of their policy will be based on the recommendations of this committee.

BOMBAY

9. There are no excluded areas in Bombay and the portion which has been declared partially excluded is not compact. The partially excluded areas are to be found in the districts of West Khandesh, East Khandesh, Nasik, Thana, Broach and Panch Mahals. The combined area covers 6,697 square miles and a total population of 1,125,471 of which 663,528 are tribals (58.9%) consisting largely of *Bhil*, *Varli*, *Kokna*, *Thakur* and *Khatkai*. The total tribal population of the province is 1,614,298 and constitutes 7.7 percent of the total population. Outside the partially excluded areas, tribal populations of appreciable size are in Surat, Ahmedabad and Kaira but they are intermingled with the rest of the population and perhaps not appreciably different from them.

In 1935, the Government of Bombay were not in favour of exclusion or partial exclusion of any area except the Mewasi Estates and Akrani Mahal in the West Khandesh district. It was pointed out by them that except in the Mewasi Estate the Scheduled Districts Act did not apply nor were the local Government exercising in any of them the power to apply acts with modifications or to appoint special officers under Sec. 6 of that Act. No part of the presidency was declared a backward tract under Sec. 52-A of the Government of India Act, 1919. On account of the existence of local self-governing institutions in which the Bhils took part

the Bombay Government were not in favour of exclusion and this argument was accepted, but it was considered that protection by partial exclusion was desirable. For similar reasons portions of the other districts were partially excluded.

10. In 1937, the Government of Bombay appointed Mr. D. Symington to conduct a special enquiry regarding measures for improvement of the conditions of the Bhils and other aboriginal and hill tribes in the partially excluded areas. In reporting on the condition of these areas Mr. Symington wrote as follows : "Section 92 of the current Government of India Act makes special provision for the administration by means of regulations of the partially excluded areas. The circumstances surrounding the enactment of this Section are now a matter of history. The Section is I believe founded on the apprehension that the population of the tribal areas are not equipped to take their share in a scheme of democratic government ; and that their interests are liable to be neglected by a popularly controlled government. There will not be many dissensions from the first part of this belief. Whether the second part is justified or not is a matter which only the future can show ; at present I need hardly say the indications are to the contrary". (Para. 4). Mr. Symington pointed out that at the time of his report, out of 18 elective seats in the West Khandesh District Local Board not one had ever been filled by a Bhil though their population in the district was 35 per cent. The Bhil representatives in the local Board were two nominated members. Similarly in some taluka boards, with Bhils over 50 per cent of the population, there were no elected Bhils out of a total of 63 elective seats. Conditions in other districts are noted to be similar. Mr. Symington concluded that there was in practice no local self-government for the aboriginal and hill tribes. He was of opinion that it was not a mere question of providing seats for the hill tribes but that these "people are not sufficiently educated and advanced either to use their votes sensibly, or to produce from among themselves enough representatives capable of looking after their interests intelligently on Local Boards. They are not only illiterate but also ignorant of everything outside their immediate daily run. They are contemptuous of education which they regard as a degrading and senseless waste of time. They have more faith in witch doctors than in pharmacopoeia. They live near the border line of starvation. They are inveterate drunkards. It was not surprising that they take no interest in the Local Board elections or Local Board administration." Mr. Symington recommended that the partially excluded areas should be excluded from the jurisdiction of the District Local Boards concerned and constituted into separate Local Fund areas in each district.

11. In declaring the Panch Mahals as a partially excluded area the Government of India noted that in 30 villages of the Mahal out of a total population of 58,000 in 245 villages there were 5,183 aboriginal inhabitants. Mr. Symington however showed that out of a population of 58,197, 57,289 i.e. 98.6% are aboriginals (page 107 of his report). The number of tribes in this area according to the 1941 Census is 12,251.

12. The problem in Bombay is not that of providing representation which already exists but of special attention to the elevation of the tribes socially, educationally and economically, and making their part in local and provincial self-government effective. The factual memorandum furnished by the Bombay Government shows the extent to which the tribes have received and are receiving special attention. The Backward Classes Board there provides an agency for continuous vigilance and advice on the conditions among the backward classes.

5 UNITED PROVINCES

13. In the United Provinces the partially excluded areas are small and cover only the Pargana inhabited by the Jaunsari tribes and the portion of the Mirzapur district below the Kaimur range inhabited probably by Oraons or Bhumijis of the Chota Nagpur Plateau. The area is 483 square miles with an estimated population of 56,000 in the Dehradun district and 1,767 square miles in the Mirzapur district with an estimated population of about 150,000. There is no special constituency provided for the backward tribes in the United Provinces and the total number of persons censused as tribals is 289,422 constituting 0.53 per cent of the total population.

14. It was noted by the U. P. Government in 1935 that though the population of the Pargana consisting of about 53,500* Jaunsaris, out of a total population of 56,000 profess Hinduism; they observe a social system resembling slavery and showed no interest in elections and would not be able to send representatives to the legislature or to take advantage of political institutions. The inhabitants were reported to be absolutely illiterate. A special regulation for the tenants of this Area called the Khat Haupur Bias (Jaunsar Bawar Pargana) Tenants Protection Regulation was issued in 1940 but apart from this no other special laws seem to be in force and the only other regulations made seem to be of a formal nature. The tract includes the Cantonment of Chakrata the population of which is however seasonal and consists largely of "down-country" people. Though the area was considered incapable of sending a representative to the legislature, it is enfranchised, being a partially excluded area only, and is included in the Dehradun rural constituency. The question is therefore that of providing for protection of special regulations.

15. As regards the Mirzapur district, it was considered that the tract with an area of 1,767 square miles was very backward and the tribes had a low standard of living and comfort. Cultivation extended to only about 14 per cent of the area of the Dudhi Tahsil and Agora Parganas and the system of land revenue was based on the number of ploughs maintained by the cultivator and not on the soil. The population in 1931 was about 90,000 out of a total population of 146,000. No special regulations under Sec. 92(2) of the Government of India Act, 1935, other than of an enabling nature, seem to have been framed for the area. The general question of safeguards only need be considered.

16. The tribal population in other districts of the United Provinces is negligible.

BIHAR

17. The Partially Excluded Areas of this province which extend over the enormous area of 32,592 square miles (an area larger than whole of Orissa Province, including the whole of Chota Nagpur Division and the Santal Parganas district) and inhabited by about 4.5 million tribes people, may well be regarded as the heart of the tribal country stretching across the middle of the peninsula almost from sea to sea. One-fourth of the population of this extensive tract consists of the great *Santal* tribe (who can claim with the *Gond* of the C. P. the distinction of being the largest single tribe in India), the *Oraon* and the *Munda* who make up the bulk of the population of Ranchi district, the *Ho*, the *Bhumij* and other lesser tribes of the Kolarian family. The whole of this area is subject only to partial exclusion, in other words,

*1941 Census figures for the area are not available.

the tribals enjoy the franchise. Though the general level of literacy and development was found to be considerably lower than that of the non-aboriginal population, which was one of the reasons for considering exclusion, in districts where Christian missions have been active for a long time and Government have taken special steps, there has been considerable progress in literacy and general development. A number of Munda and Oraon have taken up the learned professions. The area has known local selfgoverning institutions and is not incapable of sending suitable representatives to the Legislatures and possibly also to the Ministry. Due to the comparative backwardness of the region as a whole and the fact that serious exploitation of the tribes is not a matter of the distant past the question of safeguards has to be considered. There is provision at present for seven reserved backward tribes seats in the general electoral scheme and all these are in territorial constituencies.

18. In recommending protection for these areas, the Provincial Government observed as follows :—“The special tenancy laws in Chota Nagpur, the Santal Parganas, Sambalpur and Angul are the bulwark of the backward peoples. The Legislatures of the future would have the power to amend, modify or even repeal those laws and the only safeguard against legislative action detrimental to the interests of backward peoples is the power of the Governor to refuse assent. The importance of these special tenancy laws to the aboriginals cannot be over-stressed. The history of the Santal Parganas and Chota Nagpur was one of continuous exploitation and dispossession of the aboriginals perpetuated by disorder and even rebellion until special and adequate protection was given. In the fringe areas, such as Manbhum, where the non-aboriginals are in a majority, the aboriginal element would probably have been driven from the land long ago but for the protection given by the tenancy laws. Only this year the local Government have found it necessary to pass special tenancy legislation to protect against victimisation of the outlying aboriginal population which has gradually spread from the backward tracts of the Santal Parganas into the regulation districts of Bhagalpur and Monghyr. While this Act was passed by the present Legislature without serious opposition, it is doubtful whether the more independent Legislatures of the future would be willing to act in the same way. The fate of the aboriginal, where he has been unprotected has usually been to lose his land...”. Since 1937, Sec. 92(2) has been made use of to make some special regulations, notably for the Santal Parganas.

19. Outside the partially excluded areas the tribal population numbers about 0·5 million and seems to require no special consideration as it is more or less scattered and detribalised.

CENTRAL PROVINCES

20. There is no excluded area. The Partially Excluded Areas, of which the Mandla district is the largest unit, contain only 829,918 tribals out of a total population of nearly three millions classed as tribal. Well over two millions of these are Gond who at one time ruled a considerable kingdom in these parts. Their backward state is only comparative, and in view of the intermingling of population, only the least developed parts of the country consisting of the less accessible hill and jungle tracts were considered for exclusion. One special Backward Tribes constituency which, with apparent anomaly, covers the Mandla tahsil (partially excluded but the tahsil of the district which is most developed and contains the least percentage of the

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aboriginal population of the three tahsils) and Seoni tahsil (not excluded) has been provided and tribals have opportunities of entering the Legislature through other general constituencies. Thus in 1937, there were three members of the Assembly who belonged to the tribes.

21. Tribal institutions in the Province are weak or practically non-existent and, generally speaking, the degree of assimilation to the rest of the population is high. The Partially Excluded Areas are, with hardly any exception, administered in the same manner as the other districts. The C. P. Land Alienation Act of 1916 which is the only notable legislation enacted specially for the protection of the aboriginals was enacted with a view to placing restrictions on the transfer of agricultural land held in proprietary right and checking its alienation from aboriginal to non-aboriginal classes. In 1940 however when the C. P. Tenancy Act was amended to confer rights of alienation on certain classes of tenants, the application of the amending act to the partially excluded areas was made subject to certain modifications designed to secure that unscrupulous landlords did not manipulate for their own advantage the complicated provisions of the Act which would not be understood by the bulk of the aboriginals. The special regulations made for these partially excluded areas, 3 in number, were more of a formal nature for the purpose of the extension of postal rates, the Indian Companies Amendment Act and the C. P. and Berar Indian Finance and Excess Profits Tax Validating Regulation. In view of the fact however that the condition of the aboriginal tribes left much to be desired and the administration of the areas inhabited by them was conditioned by the interest shown by individual officers, a special enquiry was conducted under the orders of the C.P. Government by Mr. Grigson. Mr. Grigson recommended certain special provisions in the existing legislation to suit aboriginal areas; for instance, he recommended that the interest provisions of the Relief of Indebtedness Act and the Central Provinces Usurious Loans (Amendment) Act should in aboriginal areas be replaced by Sec. 3 of the Madras Agency Tracts Interest and Land Transfer Act, 1917. By Act XXXII of 1939 the nomination of aboriginal members to local boards and district councils was abolished. Mr. Grigson considered that this was a premature and regrettable change. It would appear that the representation of aboriginals through elections is not satisfactory though certain Gond members of the Mandla district are noted to be intelligent. He also considered that the aboriginal areas had been almost completely neglected by the existing district councils and local boards and recommended that they should be replaced by independent local boards with official office-bearers, and mostly nominated members, for places other than Mandla district. He also gave it as his opinion that a system of indirect election was suitable for backward areas. A recommendation to the effect that the Central Provinces General Clauses Act should be amended to empower the provincial Government to notify areas as aboriginal areas and to provide that any Act of the provincial Legislature shall not apply to such areas except by a special notification and subject if necessary to special exceptions and modifications was made by him.

22. The Provincial Government has accepted the views expressed by Shri A. V. Thakkar in his "Problems of Aborigines in India, 1941" to the effect that "Safeguards may be instituted to protect the aborigines from exploitation by the more advanced people of the plains, as has been done with regard to non-alienation of land; but to keep these people confined to and isolated in their inaccessible hills and jungles is something like keeping them in glass

cases of a museum.....A healthy comradeship should develop between the aboriginals and the non-aborigines and each should profit culturally from the other and in course of time work hand-in-hand for the welfare of India as a whole."

23. The main objection to nomination is of course that it can be, and is, utilised as a reward for political allegiance or with a view to inducing such allegiance. It is perhaps by no means certain that a system of nomination will produce the right national. What is obvious is that the tribal population has as yet comparatively little interest in matters going further than the simplest way of life and a wider world for them must be created. The existence of democratic instincts among the tribes cannot be doubted and their fuller participation in local and provincial Government is unlikely to be a matter of the distant future. Too much of "spoon-feeding" may mean in actual effect a method of hindering rather than assisting in development. On the other hand there is little doubt that the interests of the tribal tracts should not be allowed to be neglected on account of non tribals being chosen as representatives. In the instances mentioned, a vigilant District Officer would probably have given the right orientation to the working of such bodies as District Councils or Local Boards. All this indicates more than anything else the need for some form of practical fostering tutelage rather than a radical change of system.

ORISSA

24. The Province contains a Partially Excluded Area of 19,831 square miles with a tribal population of 1,560,104 out of a total of 2,939,416 (or 53%). Like the province itself, the partially excluded area consists of portions taken from the former province of Bihar and Orissa, the Central Provinces and Madras. This has given rise to problems of consolidating and revising laws and regulations like those prevailing in Angul, the Madras Agency Tracts and Sambalpur.

25. To consider now the individual areas, it would appear that the district of Sambalpur was made a partially excluded area largely on account of the special individuality which that district possesses, viz., a distinct system of revenue and village administration. The district was formerly part of the Central Provinces, and thus the C. P. Revenue Laws and type of village administration are in force. The aboriginal population in the district as a whole is 232,095 or 19.0% but many of these seem to have assimilated the customs and culture of the surrounding Hindu population and it was presumably for this reason that the district was administered in practically the same way as non-scheduled districts. In reporting on the question whether the district should be partially excluded, the Commissioner and the Deputy Commissioner remarked that the primitive character of the people does not involve that in all respects they are less capable of development or responsibility. "Indeed in intelligence and conduct of village affairs they may be regarded as in advance of the coastal population, but they are not in touch with modern political thought and it will probably be some years before they understand a parliamentary system: or the desirability of securing a true representation of their interests in the provincial Legislative Assembly". It is pointed out in para. 390 of the Thakkar Report on the Orissa Partially Excluded Areas that the district was under normal administration till 1921 under the C. P. Government. Three of the zamindaris of Sambalpur had been declared scheduled districts under the S. D. Act, 1874, but except the Insolvency Act of 1920 all other legislation was applied to the district. Similarly even the Khariar zamindari which was declared a scheduled tract was not treated on

a different footing from the non-scheduled parts of the Raipur district in which it formerly was. The Thakkar Committee recommended (para. 397) that the district should cease to be a partially excluded area and should be treated as a normally administered area. The Committee however considered (para. 402) that some sort of protection was still needed for the aboriginals of that district. They recommended certain special measures (para. 403) for the protection of the land of the aboriginals.

26. The tribes in Sambalpur district consist mainly of Gonds (102,765) Kondhs, Kharias and Savaras. They are concentrated largely in the Sadr sub-division of the district. Literacy among them is not up to the level of the scheduled castes of the district and amounts to only about 2 per cent. They, however, take part in elections and in the Sambalpur Sadr General Constituency there is a reserved seat for the backward tribes. This is the only one of the five tribal seats in the province filled by election. The area need only, therefore, be considered from the general necessity of protecting the land or other special interests of the tribes and the separate revenue system prevailing there.

27. Coming to the Agency Tracts, the Madras Local Boards' Act with modifications is in force and under it all the members are nominated. The area is populated largely by Kondhs, Savaras and Koyas. The area of course adjoins the Madras Agency Tracts and conditions are probably similar in both. The Thakkar Committee noted that there were very few aborigines in the entire district with sufficient educational or other qualifications to represent the hill tribes even in the Local Board and to exercise the franchise intelligently. Among the non-aborigines, they felt that persons who would represent the interests of the aboriginals effectively were not available. They concluded therefore that some seats should be left to be filled by nomination though they recommended a change of system to that of election. The 1941 Census returns show that literacy among the tribes is about one per cent.

28. The Ganjam Agency which now includes the Khondmals of Angul is probably among the most backward tracts. The area is about 4,733 square miles and over 80 per cent of the 1941 population of more than 4½ lakhs is tribal. The Thakkar Committee found that there were no self-governing institutions in the area (para. 271). One of the members of the Committee, an official, was of the view that "the Khonds and Savaras would be absolutely incapable of reasonable administration in any sphere" (para. 275). They came to the conclusion that the conditions were not propitious even for starting a District Board and recommended the formation of certain "Muttah Boards" as an initiation, with fifty per cent nominated members. Literacy in this area among the tribes is, according to the 1941 Census, slightly more than one per cent.

29. The Angul Subdivision which is a partially excluded area is now a part of the Cuttack district. The Khondmals now attached to the Ganjam Agency were formerly a part of the old Angul district. The subdivision contains only 13,308 tribals who constitute only 8 per cent of the population. The Thakkar Committee which recommended the administration of this area as a regular district noted that the Angul Laws Regulation is no longer suited to the advanced conditions of the people. Even in 1935, it was stated by the Orissa Government that the area was so advanced that it should be possible within a few years to place it on a level with the normal districts (Recommendations of Provincial Governments and Government of India, *Indian Reprint* Para. 49). Angul, like Sambalpur, had an individuality of its own, having

been a tributary state till its annexation in 1847, and a good deal of an administrative system based on village officials and customary usage; and though it was recognised that in many respects Angul was ahead of and not behind the "regulation districts", it was felt that on account of its uncodified laws and special features it was undesirable to have it under normal administration forthwith. Thus, so far as question of ability to form a unit in the Provincial system is concerned, the sub-division presents no difficult features and only the question of special regulations or laws remains.

30. As for the Ganjam Agency, though the area is 'partially excluded' and under the administration of Ministers, it would appear incapable of taking effective part in popular Government. The four representatives of backward tribes are nominated by the Governor. For the 1936 elections one of the nominated persons was Mr. Evans, the head of the Baptist Mission, and difficulty was felt in securing other suitable persons. Very few aboriginals in these backward areas had the vote for the general constituencies in Koraput and Ganjam. It does not appear that any of the elected persons was an aboriginal. The percentage of literacy in the area seems to be increasing, however, and it may not be long before suitable representatives are forthcoming. Meanwhile the backward tracts will remain unrepresented though adult franchise if introduced would make them eligible, and provision will have to be made for representation by nomination as at present. The possibility of enfranchising village headmen or of devising a mode of indirect election remains however to be examined.

31. In the centrally administered areas of Coorg and the Andamans and Nicobars which territorially may be considered in Group A, there are tribal populations of 19,723 in Coorg and 11,076 in the Andamans and Nicobars. In the former case they constitute 11.7 per cent of the total population, but in the Andamans and Nicobars they are 32.8 per cent of the population.

The territories are under the Central Government and the treatment of the aboriginals problem will depend on the political future of the areas. They are not excluded or partially excluded areas and may not be in the sphere of the sub-committee.

GROUP B PUNJAB

32. The main reason for exclusion of the Lahoul and Spiti areas was that the population, mostly Tibetan, numbering only about 12,000 was in an inaccessible area for which electoral rolls could not conveniently be prepared. The area is chiefly Buddhist and a number of monastery schools are said to exist. In the winter the passes leading to this area are said to be closed and the fact that the general election of 1936 was likely to be held in the winter seems to have influenced the decision to exclude the area. Before the area was excluded it seems to have been administered by "local indigenous authority" without any "sign of the ordinary organisation of British India". Regulations known as the Spiti and Lahoul Laws Regulation (I of 1939) with subsequent amendments and additions are now in force. The two areas are known as Waziris.

33. The Provincial Government are of the view that Lahoul need no longer be considered as excluded area but should be brought under the general system of administration. Spiti, however, on account of its inaccessibility cannot be brought under the general system yet. The introduction of the franchise in both areas however needs consideration.

NORTH WEST FRONTIER PROVINCE

34. Upper Tanawal in the Hazara District is under the Chief of Amb. The N. W. F. P. Gazette records that under Regulation II of 1900, the Chief exercises powers of Civil, Criminal and Revenue administration, with the exception of offences against the state and murder. It would appear that the Amb village itself is his "independent territory". The area of the estate is 204 square miles.

GROUP C BENGAL

35. The Chittagong Hill Tracts covering 5,007 square miles with a tribal population of 233,392 out of a total population of 247,053 (94·5%) constitute Excluded Area. The tribal inhabitants are *Chakma*, *Mro* and *Magh*. The tracts adjoin the Lushai Hills of Assam but direct communication between these two areas does not practically exist. Communications in the area are to some extent by water and seem to be fairly easy.

36. The general condition of these tribes is probably not as backward as that of those in certain hill tracts in Assam or in some partially excluded areas. In the recommendations of the Government of India and the Government of Bengal made in connection with the Order-in-Council, it would appear that the main consideration was that the district was "a mass of hills, ravines and cliffs covered with dense bamboo trees and jungles" and were similar in all material respects (?) to the Lushai Hills of Assam recommended for exclusion. The Bengal Government, in view of the fact that the hill tracts were not self-supporting financially and were surrounded by more advanced areas to which they would eventually be assimilated, were inclined to the view that the tracts should be included within the orbit of ministerial responsibility from the beginning of the reformed government provided this inclusion did not involve representation in the legislature at that stage and subject of course to the special responsibilities of the Governor.

37. If the Government had any objection to the area being brought within the orbit of ministerial responsibility, it is not clear what the objection to representation in the legislature was. It would appear however that there are no district boards or municipalities within the area. The Chittagong Hill Tracts Regulations and other regulations apply to this area at present. So far as education goes, the tract is not totally illiterate and in 1941, out of 233,392 tribals, 9,395 were literate (602 were female literates). It does not appear that the tribes are as "wild" as in certain tracts of Assam and on the contrary are no more backward than those in some partially excluded areas. The question of enfranchising them therefore deserves detailed examination.

38. The Partially Excluded Area of Bengal consists of the district of Darjeeling and certain police station areas in the Mymensingh district which border on the Garo Hills of Assam. The Darjeeling district is shown to contain 141,301 tribals in 1941 out of a total population of 376,369 or 37·6%.* The tribal population of Darjeeling seems to consist largely of *Lepcha* and *Bhutia* and a good deal of those returned as tribals are tea garden labour and hence detribalised.

In the police stations of the Mymensingh district the tribal population consisting mainly of Garos is only 48,811 out of 601,286. The Government of India based their decision to partially exclude these areas not so much on account of the percentage they bear to the total population of the district but on account of their "numbers, grouping and environment." They seem to

* In considering the question of exclusion, the Government of India in 1935 took it to be only 11·9 percent.

have been influenced largely by the fact that they formed practically an extension of the Garo Hills of Assam which were recommended for partial exclusion. The 1941 Census figures show that in the Diwanganj police station there are only 30 tribals out of a population of 118,265 and in the Sribardi area 1,436 out of 112,872. The largest concentrations are 20,404 in Halvaghat and 12,261 in Durgapur.

39. Regarding Darjeeling, the Government of Bengal after full consideration recommended that it was no longer necessary to treat the district as a backward tract but felt however that safeguards were necessary in the interests of the great bulk of the hill people and hence recommended that the district should be treated as a partially excluded area. The district is admittedly not a backward area in the usual sense of the term and the standard of literacy was noted to be higher than the average for the province. The 1941 Census shows that even among the tribals, there were 16,458 literates out of a population of 141,301, and 2,571 literates were women. It does not appear that the area needs any special regulations or protection in future.

40. The Provincial Government were opposed to the partial exclusion of the portion of the Mymensingh district inhabited by Garos. They pointed out that no special measures had been hitherto found necessary to protect the Garos in Bengal and had received no indication at any time that the existing administrative system had worked inequitably for them. At a later stage they again urged that the proposal should be dropped for the reason that the border area differed in no essential respect from the rest of Mymensingh district and that no special protection was required. Presumably, no special steps have been found necessary in these areas ever since the exclusion and there appears no need for special provisions.

ASSAM.

41. The 1941 Census returns show a tribal population in Assam* of 2·5 millions out of a total population of 10·2 millions. A very large percentage of this tribal population however seems to consist of detribalised aboriginals and tea garden labour. Over 43 per cent of the area of the province with a total population of 929,534 consists of excluded and partially excluded areas with a tribal population of about 863,000. The excluded areas include Sadiya, Balipara and Lakhimpur tracts which are Frontier Tribal Areas administered by the Central Government. These frontier tracts along with the "Naga Tribal Area" on the Indo-Burmese frontier are assumed to be covered by a notification under Section 123 (1) of the Government of India Act, 1935, but it is found that no notification limiting the administration of Assam to the regular district boundaries exists. This was an oversight and the *de jure* position of the Tracts does not therefore correspond to the *de facto*. Such administration as exists in this very backward area is carried on by the political officers who have to deal mainly with questions arising out of the inroads and influence of Tibetan tax collectors and officials who decline to recognise the MacMahon Line. (See Note on Tribal Areas of the North East Frontier). Such functions of Government as have to be performed in these areas concern External Affairs and Defence to a very large extent, and it needs to be considered whether this should not be left to the Centre or the Union.

This leaves the Naga Hills district, the Lushai Hills district and the North Kachar Hills as excluded areas, and the Garo Hills, the Mikir Hills and the Khasi and Jaintia Hills as partially excluded areas. The tribal population of the excluded and partially excluded areas comes to about 814,600.

* States excluded.

42. To take the Partially Excluded Areas first, the areas are enfranchised and elect representatives to the provincial Legislature. The special feature of the franchise is that in the Garo and Mikir Hills only the headmen are enfranchised ; in other words, the system may be regarded as a system of indirect election. It is of interest to note that a democratic tribal system prevails among the Garos. "When a matter is in dispute, all concerned, including the women, assemble and debate, with feasting proportionate to the gravity of the issue. Generally the chair is taken by the Nokma, if it concerns only one village". Like the Khasis, the Garos have a matriarchal system and women enjoy considerable freedom and respect. Literacy in the Garo Hills seems to be about 5 per cent but the Khasis are much more advanced and literacy among them amounts to about 11 per cent. Among men the Khasis have a literacy of nearly 19 per cent and among women the literacy is about $8\frac{1}{2}$ per cent. The special features of the Assam Hill tribes which it is considered desirable to preserve are given as follows (Pamphlet by the Hon'ble Rev. Nichols Roy):—"1. Village democratic institutions, 2. freedom of women in trade and business, which is very important as a model for the whole of India, 3. the people's sense of democratic equality, and 4. co-education in primary schools." Considering the general state of education of the tribes people in the partially excluded areas, it would appear possible to have local self-governing institutions as well as to obtain representatives for the provincial Legislature in the manner applicable to the plains districts. As regards the Excluded Areas, in these remote hills of the picturesque Naga tribes, known for their democratic tribal institutions, the general position does not seem to be as bad as in the Ganjam hill tracts of Orissa. The Nagas show a male percentage of literacy amounting to about 6 though female literacy among them is only nominal. In the Lushai Hills the population is considerably advanced and about 30% of the tribal men are literate. The general level of literacy in this area is about 13%, and on this ground at any rate there is no need whatever to regard the area as backward. Authoritative opinion is to the effect that "no area is incapable of furnishing the limited number of men which the area would be entitled to send to a provincial legislature, and the representatives from the areas now excluded might well be better than some of those sent by the partially excluded areas or even some of the plains representatives". One of the difficulties associated with the hill tribes is however the fact that the tribes are by no means a single people and the question of finding a limited number of representatives like one or two may present some difficulties. It is unlikely however that this will be a serious obstacle.

The main feature of the Naga Hills and other hill tracts of Assam is however the diversity of tribal law and custom and the fact that the population of the hills is substantially different from the plains population and not appropriately administered under the same laws. The democratic tribal institutions, the attitude of the tribes towards what are regarded as crimes by plains people and the mode of dealing with offenders against tribal law and custom, the extensiveness of the area and the large number of tribes and their individuality would make it necessary to adopt a scheme of administration which associates the tribes with the provincial legislature and provincial administration while giving scope at the same time for certain elements of tribal life. It has been stressed in some quarters that the Naga and other tribes of the Assam Hills are not racially and linguistically a part of India. This would appear to underestimate grossly if not to ignore the geographical position and the economic affinities of the tribes and the fact that these features, while perhaps not altering the language or the race of the tribes in their remote

changees, have not altogether been without effect otherwise. The figures of bilingualism of the 1931 Census show that Assamese or Bengali is the subsidiary language of thousands of tribes people and these languages also provide them with a *lingua franca*. The overlapping of tribal areas across Indian frontiers would appear to provide only a very weak argument for separation

43. The position in respect of the Excluded and Partially Excluded area thus seems to be as follows :—

Group A.—The only excluded area in this group is the Laccadive Islands and the Amindivi Islands. The inhabitants of this area are not aboriginal tribes but are backward and the islands are in a state of almost total isolation. Improvement of communications is the *sine qua non* to the economic and political advancement of the tribes and *prima facie*, difficulties in the way of extending the franchise to the islands and their inclusion in a territorial constituency do not appear to be insuperable. Closer examination is however required.

The representation of the tribes in the Ganjam and Koraput Agency tracts presents difficulties. The continuation of the present system of nomination needs further examination.

Apart from the question of franchise which in other areas in the group do not seem to present appreciable difficulties, the problem is one of constitutional devices for special or separate legislation or representation, protection as a minority, etc. These should cover the "pockets" of tribes people elsewhere than in the excluded or partially excluded areas.

44. *Group B.*—In this group the only areas classed as excluded are Spiti and Lahoul in the Kangra district and Upper Tanawal in the N. W. F. Province. There are no partially excluded areas. The constitutional position of Upper Tanawal needs further examination. In the case of Lahoul and Spiti the problem seems to be similar to that of the islands of the coast of Madras. Lahoul is now reported to be well developed and suitable for inclusion in the general administration. Both areas seem suitable for the franchise but they are not large enough to send a separate representative to the Legislature. The lack of financial resources of the area would however still make it, the Waziri of Spiti in particular, an area requiring special attention.

45. *Group C.*—The frontier tracts of Sadiya, Balipara and Lakhimpur in Assam, though notified as Excluded Areas are administered, not as a part of the province but by the Governor as Agent to the Governor-General through Political Officers and the main problems of the tract concern relations with Tibet and China, and defence. The areas with the exception of small strips of the Sadiya and Balipara are practically unadministered and the responsibility for these and the Naga tribal area on the Indo-Burmese frontier may perhaps more appropriately be borne by the Centre or Union as at present.* This leaves the Chittagong Hill Tracts in Bengal, the Naga Hills district, the Lushai Hills district and the North Kachar Hills sub-division of Assam as Excluded Areas. Though the Chittagong Hills tracts were shown as excluded on account of the backward nature of the inhabitants, the inaccessibility of the country, etc., it has been pointed out above that the provincial Government originally considered that the area should not be really removed from the ambit of ministerial responsibility. The population of the area is not altogether illiterate, and the 1941 Census figures show that there were 9,395 liter-

* In this connection see the note attached to the separate memorandum on the North East Frontier Tribal Areas.

ates (602 female literates), among the tribal population. Though land communications are bad in this area, the tract is not altogether isolated on account of the existence of waterways.

As regards the Assam excluded areas, it would appear that it is no longer desirable or necessary to exclude these areas from their due share in the administration of the province of which they form a part.

The Partially Excluded Areas of Assam do not, apart from the Garo and Mikir Hills which have a restricted franchise, seem to present a problem so far as the elementary question of enfranchisement is concerned.



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CHAPTER II

POSITION UNDER 1935 ACT

46. Before considering possible ways of fitting the tribes into a new system of administration, it may be useful to analyse the provisions made in the Government of India Act, 1935, with a view to determining the *desiderata*? The position at present is that no Act of the Federal or Provincial Legislatures can apply to excluded or partially excluded areas unless the Governor so directs. The provision is clearly one meant to guard against the application of unwise or unsuitable legislation or of legislation which is opposed to the interests of the backward areas. The presumption in making it would appear to be that what the rest of the province or the non-tribal representatives in the legislature may consider to be suitable for tribal areas and for themselves may not in fact prove to be suitable for the tribal areas. It makes the Governor responsible for examining legislation passed by the Legislature and deciding whether it is suitable, or unsuitable, or needs to be modified. The provision may also be regarded as the negative one of shutting out unsuitable or harmful legislation which may be construed to mean that legislation should otherwise be applied as a matter of course.

As regards the implementation of these provisions in practice, the tactuæ memorandum received from the Central Provinces shows that the policy laid down by the Governor is that all legislation should be extended to the partially excluded areas unless there are special reasons why it should not be so extended. The reasons are divided into two categories: (a) legislation which is obviously inapplicable as for example when it deals with a specific area other than a partially excluded area, and (b) it is unsuitable to the conditions of the partially excluded area. The Thakkar Committee reporting on the partially excluded areas of Orissa opined as follows :—

“The deciding principle with regard to the extension of acts to the partially excluded areas should be whether such extension will be objectionable from any point of view and not whether it is necessary or not. If there be no objection to the extension of any Act it should normally be made applicable to the partially excluded areas as well.” (Para. 532). Elsewhere also the same policy seems to be followed.

47. To look at the matter in another way : the Governor is provided with a veto under the provisions of Section 92. It is expected in practice that the veto will not be exercised unless there are good reasons for it but otherwise the veto is a general one applicable to all kinds of legislation without distinction. It may be noted in connection with this feature that in some areas such fundamental laws as the Indian Penal Code have to be applied with modifications or not at all.

48. Section 92 of the Government of India Act gives the Governor additional powers to ‘make regulations for the peace and good Government of the Excluded and Partially Excluded Areas. In addition to these powers

the Governor has the general responsibility for the protection of partially excluded areas under Section 52 (1) (e). Under Section 78 (2) (e), the expenditure for administration in excluded areas is a charge upon the revenues of the province. The Governor has also the powers of authorising expenditure in these areas if that is necessary for the purpose of discharging his responsibilities. Thus though it is open to a legislature to pass special legislation for particular areas, since such legislation does not automatically apply and the Legislature may not be sufficiently interested in the backward tracts, the power to make special regulations has been given to the Governor. In the case of the excluded areas it is not within the competence of the Legislature at all to make any laws or to pass the expenditure required.

49. Under the Instrument of Instructions, it is the Governor's special responsibility to see that a primitive tribe does not "suffer, or has reasonable cause to fear, neglect or oppression". But he is not required to protect any body of persons merely because they do not share the views of the majority. Securing representation of minorities in the services is also one of his responsibilities.

50. To sum up, the provisions considered necessary for the backward areas are in effect—

- (a) Legislation must not apply to the excluded or partially excluded areas automatically; it may be applied if it is not unsuitable. The administration of excluded areas is discretionary with the Governor and not dependent on a Minister's advice.
- (b) The excluded areas in particular need special attention. The administration of these areas is the personal responsibility of the Governor and funds required for such areas are placed outside the vote of the Legislature to ensure that they get them.
- (c) For the partially excluded areas the Governor can authorise expenditure not approved by the Legislature if he finds it necessary for the discharge of his responsibility.
- (d) He has a special responsibility for the protection of the aboriginals who live outside the excluded or partially excluded areas (Instrument of Instructions). His responsibility for securing representation in the services for the minorities covers the tribes. His special responsibilities for the protection of minorities are not to be used merely because the minority takes a view not shared by the majority, but to prevent neglect or oppression.

The discussion in Chapters III to VII should be regarded as *purely exploratory* of certain lines of thought and does *not* constitute any concrete or fully-considered proposals. Indeed a great deal more of factual examination and study may be necessary before any definite scheme can be formulated.

CHAPTER III

THE POLICY OF ISOLATION

51. Having briefly reviewed the position of the Excluded and Partially Excluded Areas in the matter of accessibility and general advancement with a view to finding an answer to the elementary question of the extent to which the tribal areas can exercise the fundamental right of voting for the election of representatives to popular government, it may be necessary to consider the general policy and fundamental considerations which should act as a guide in drawing up a picture of the constitutional future of the tribes and the areas in which they live. As stated elsewhere* attention has been brought into sharp focus on the position of the aboriginals, following the recommendation of the Simon Commission to treat these areas as excluded and the subsequent decision to create excluded and partially excluded areas. In the view of the Simon Commission, mere protection from exploitation and prevention of disturbances or agitation among them was not enough. "The principal duty of the administration is to educate these peoples to stand on their own feet." In so far as the Government of India have formulated a policy or given expression in words to their ideas, they stated that their aim would not be to retain aboriginal areas as picturesque survivals but would be to secure their development by absorbing them with the rest of the community to which they were already being assimilated. It was stated in the Parliament also that if the choice was between segregation and assimilation, the policy would be that of assimilation, as before. "Let us look into the future. If at this moment we decide on a ring-fence policy and segregate as many areas as we can, we put off to a later date the chance of assimilating the backward areas in the general policy of India, and the Government are certain that if we insist on a policy of wholesale segregation it will be unlikely to confer a benefit upon those areas commensurate with the discrimination against the majority of the population which would be felt by certain classes in India whom we wish to interest in these matters". No official countenance to a policy of segregation ever appears to have been given and the fact that large areas inhabited by a preponderating proportion of aboriginal population have been declared as partially excluded, as well as the fact that Section 91 of the Government of India Act provides for the subsequent declaration of excluded areas as partially excluded areas, or of partially excluded areas as ceasing to be such, would indicate that the accepted policy so far as the constitutional position is concerned, at any rate, is that of bringing the tribal areas and the tribes into line with the rest of the population.

52. A policy of isolation has however been recommended by anthropological writers in the main. The general impression created by advocates of isolationism is that this is done with a view to providing primitive peoples for observation like specimens for study in a zoo. It is stated by Verrier Elwin in his pamphlet on the aboriginals (Oxford Pamphlet on Indian Affairs No. 14) that this is not really what anthropologists mean. He says "many anthropologists do, as a matter of fact, desire to see a considerable measure of protection given to the aboriginals, and some (including himself—see

* Excluded and Partially Excluded Areas—1.

p. 512, The Baiga by Elwin) would like to have established National Parks or Reserves where they could live their own lives in unhampered liberty. But this is a very different thing from wishing to keep people as specimens for study in a zoo. It is desired so that these simple children of nature may be protected from those who invariably exploit them, and may continue to live in the freedom and happiness that is their birthright." The idea thus is to achieve their freedom and happiness by shutting them off. Elwin points out that the administration of tribal peoples has hitherto not been on "scientific lines"; not only in India but elsewhere also the tribes and primitive peoples have suffered by neglect or by deliberate exploitation or by neglect of governments on the one hand and exploitation by more advanced peoples on the other. Contact, even where there is no deliberate exploitation, with the more sophisticated classes of people and the opening up of communications is said to have brought in a large number of evil consequences in its wake including what is described as 'a loss of nerve' which has wrought damage to tribal culture and language. "Tribal life and tradition have begun to appear slightly ludicrous, even to the tribesmen themselves." Emphasis is laid on the alleged administration of tribal areas without the advice of scientists, and it is suggested that just as a doctor is consulted in matters of public health or the engineer for road-making, the advice of scientists who have spent their lives in studying the aboriginal tribes ought to be sought. Mr. Elwin summarises his conclusions as follows :—

"Let us face finally an unpleasant fact. There is no possibility in India and the world as things are today of substituting civilization for primitiveness : the only alternative to primitiveness is decadence I advocate therefore for the aboriginals a policy of temporary isolation and protection, and for their civilized neighbours a policy of immediate reform. If you want to help the aboriginal, do not try to reform him : reform the lawyer, the doctor, the schoolmaster, the official, the merchant with whom he is to deal. Until that is done, it is far better to have the aboriginals alone." Regarding certain features of aboriginal life Mr. Elwin writes as follows :—

"That aboriginal life is marked by crude superstitions and other evils no one will deny. For example some of the Nagas enjoy (along with the most advanced nations of Europe) the custom of head-hunting and the practice of human sacrifice. The only difference is that the poor aboriginal sacrifices only one or two human beings in the name of his Gods, while the great nations offer up millions in the name of Empire and enlightenment. The belief in witchcraft also sometimes leads the aboriginals (like their educated neighbours) into excess, and they have many superstitions which like the superstitions of advanced Indian society and the capitals of Europe, are to be retarded and, if possible, cured..... Though I have found evils none that do not exist in a more virulent form in civilized society. The idea that there is something inherently vicious in primitive life must be abandoned."

53. Mr. Grigson in his report on the aboriginal problem in the C. P. and Berar expresses his views as follows :—

"It should be clear from what I have written throughout this report that I do not regard isolation as practical politics for the aboriginals in the Central Provinces. All my recommendations have been governed by the view that the aboriginal must be fitted to hold his own against the rapid growth of modern civilization, to make his own contribution to the life of India

and the world. Limited isolation in the sense of not opening up the most backward areas too rapidly by communications and other means, has only been proposed where the tribal communities are so backward that they would be bound to go to the wall if immediately exposed to the full blast of modern conditions." Views similar to these have been expressed by certain other writers and it would appear, whether or not the object of anthropologists is to keep the primitive peoples as specimens of study in a zoo or not, that they consider isolation necessary for their protection.

54. Anthropologists and others who consider isolation necessary have apparently come to the conclusion that contact itself with more advanced elements is likely to be harmful if not disastrous to the primitive peoples. They would let them develop in their own way, the idea apparently being that development takes place by the process of time or environment. It may be questioned as to what extent this is true. The present day tribes of India are supposed to have entered this land long before the arrival of the Aryans which itself is estimated to have taken place more than 4,000 years ago. Four or six thousand years may not be a very long period in the process of evolution, but it appears to be a fact that during this period which is long in comparison with a man's life that the tribes have survived only when they have got assimilated by the surrounding population and it is generally only there that they are able to hold their own against the exploitation of moneylenders and landgrabbers to the extent to which the other backward classes are able to protect themselves. Certain changes in the habits and way of life of the tribals which are deplored by many people have undoubtedly followed as a result of contact with the more advanced classes. This however has been the case even among the more advanced classes and castes of India. Not so long ago people of the orthodox persuasion, who desired to preserve their culture from external contacts, were still enforcing a ban upon travel by sea to foreign lands by ex-communication and other means, and even today there are many among them who (perhaps with justification) deplore the results of contact with foreign cultures in people who have been abroad. "The loss of nerve" which Mr. Elwin notices in the tribes is noticed by them in the advanced castes of India in contact with foreign civilization. The twenty million and odd people of the tribes who have assimilated themselves to the surrounding population have now as good a chance of survival as the rest. Development of culture to a high level seldom takes place by itself by process of evolution during the course of time, and generally speaking all developed cultures can be said to be the result of the exchange of ideas and the intermingling of cultures. Even in the history of India the brightest periods have always been associated with considerable intercourse with foreign nations. It is to be considered, therefore, if isolationism of the type which the Brahmans imposed upon the Indian population is really in the interests of the aboriginals or of the more advanced people who may be able to absorb suitable elements of tribal culture with resultant benefit to their own lives. It will perhaps be difficult to deny that the population of India today consists, in a considerable measure, of detribalised inhabitants. The "temporary" isolation proposed by Mr. Elwin is to last till the rest of the world have improved themselves to the level desired by him—which perhaps knocks any meaning out of the use of the word "temporary".

55. The views of Dr. Guha which are perhaps as important as those of other writers may be of interest. According to Dr. Guha the fundamental considerations by which the administration should be guided are : (1) the

preservation of tribal life and authority, and (2) participation and gradual integration of the tribes in the general life of the country. Dr. Guha points out that the Government of the United States followed a policy of segregation of aborigines in sanctuaries or reservations. The result of this was nevertheless the decline of the tribes, the chief cause of which is stated as "lack of adaptability and loss of a will to live". As regards Indian tribes, Dr. Guha says "I am aware that experienced administrators like Hutton, Mills and Grigson who spent many years of their lives among primitive tribes and whose knowledge of their customs and genuine love for them cannot be questioned, have advocated segregation as the only solution of the aboriginal problem. I cannot, however, help thinking that behind this advocacy there was an underlying suspicion in their minds of the *bona fides* of the more advanced Indians regarding the treatment the primitive people were likely to receive at their hands, but for students of human civilization and scientific anthropologists it is impossible to agree with it as a lasting policy of administration. For complete isolation has never led to progress and advancement but always to stagnation and death whether we look to lower animals or human beings." Dr. Guha goes on to say that even Aryan tribes isolated in the valleys of Upper Chitral were practically dying out. Regarding the impact of cultures he says: "On the other hand, the history of human society shows that civilization everywhere has been built up by the contact and intercourse of peoples which has been the chief motivating power behind progress. There are innumerable instances of the borrowing of cultural trades by people of different countries, such as articles of food, use of metals, domesticated animals, methods of agriculture, spread of the alphabet, etc. So long as the borrowing is natural and in harmony with the cultural setting and the psychological make up of the people, it has entirely been beneficial and even added to the richness of the culture." He cites as an instance the adoption of terraced cultivation in the Assam Hills. Finally, he warns that if isolation is not the solution of the problem neither is indiscriminate and unregulated contact.

56. Since the proposals for National Parks or isolation seem to be based on over-statement of the case for safeguarding the interests of the aborigines and do not appear to be practical politics or to represent even the attitude of tribesmen who are able to understand their implications, the question to be considered is the manner in which tribal peoples, along with other peoples of India, can be taught to regain the initiative which they have undoubtedly lost, to cast off their inferiority complex and to play their due part in contributing to the culture and progress of their mother country and the world.

CHAPTER IV

LOCAL SELF-GOVERNMENT

57. Though a broad belt of territory resting upon the Eastern and Western Ghats and covering the Vindhyan, Satpura and Chota Nagpur plateaus in the centre and the hills separating Assam and Bengal from Burma in the east may be distinguished as the home of aboriginal tribes, a tribal population may be found, with the exception of the Punjab, N.W.F.P. and Baluchistan, which have tribes of a different sort, in every province in India. The total aboriginal population of India including the States is given as 25·4 millions, and 16·7 millions of these are located in the Provinces. About one half of this population exist in the excluded and partially excluded areas. These generally consist of compact blocks of territories which can be easily distinguished for administrative purposes. The problem is to draw up a scheme of administration for these areas, but it appears desirable or even necessary to consider the position and the political status of the tribes as a whole, since there are features common to the tribes wherever they are. The survey of the position in each province has shown that classification as excluded or partially excluded is no accurate index to the material condition of the tribes. Similarly, in Southern India, which is described as inhabited by 'one of the most primitive kinds of men that it is possible still to find on the earth today' (see Elwin, *The Aborigines*, p. 6), there are non-excluded areas inhabited by Kurumber, Irulan, Vedda and other tribes. The census population of the aboriginal tribes may not also convey a true picture. Elwin divides them into four categories of which 'the Highlanders', consisting of 'real primitives', are estimated at not more than five million (including States) and constitute two classes in the second of which tribal institutions and the communal way of life has been more or less broken up and there is contact with outside life. His fourth class is a very small one consisting of the 'old aristocracy of the country' members of whom have provided persons ranking from Cabinet Ministers to petty officials. Though described by him as "a triumph of culture contact" he considers that such educated and progressive persons are not necessarily the best qualified to represent their poorer brethren. His third class consists of the bulk of the aboriginals, estimated to number 20 millions, who are under influence of external contact. Thus the aboriginals constitute a stream of life in different stages of assimilation, and still moving in that direction. They exist in extensive territorial blocks, as in Chota Nagpur, or in the Assam Hills, constituting large concentrations of population, in a more diffused state as in the Central Provinces, or in scattered pockets as in Madras.

58. Looking at them from the angle of popular democratic Government and self-governing institutions, we have at one end the tribes who, even in partially excluded areas like the Ganjam Agency tracts, are yet unable to take even perhaps a nominal interest in self-governing institutions, and people like the Khasis who have found representation in the Assam Cabinet. Apart, however, from indifference or inability to grasp the significance and mechanism of political institutions, many tribes are characterised not only by social systems and morals which are different from, and, in some cases,

may not appeal to, people in the plains, but also by different ideas as to what constitutes a criminal offence and the appropriate way of dealing with it. Some of the tribes as for instance the Ao Nagas are democratic to the extent of electing a tribal council of elders once in a term of years, others like the Lushai have a hereditary chief; a tribe like the Konyak Nagas have chiefs who exercise influence over a number of villages; others like Gonds in most parts of the C. P. are with no active tribal organisation of this sort altogether. Detribalised elements of all tribes may be found and the future when sharp contrasts no longer exist may not be very distant, but the adjustment of fundamentally different notions and ways of life will of necessity take time. Where there is strong individuality and elements of tribal life which contain desirable features, the tendency will be to offer violent resistance to change, and the scheme of administration must take account of these factors where they exist.

59. The problems of administration thus arise out of (a) inability to take part in, or indifference towards, modern political institutions, (b) different concepts of life and allegiance to tribal law and custom. These factors do not of necessity coexist. There are tribes like the Bhils or the Gonds who, while subject to the ordinary criminal or civil law, take as yet little, though perhaps increasing, interest in local self-governing institutions. Thus in Bombay and C. P., not only is the number of Bhil and Gond candidates in local bodies comparatively small but such members as exist are often reported to be playing only a nominal part. Tribes like the Khasis, on the other hand, while fully able to take part in even the Provincial Government are strongly attached to their village institutions and matriarchal system. Such tribes as are at present incapable of taking part in matters outside their daily way of life are small in number but those who are indifferent or insufficiently intelligent for an active part in administration are much more numerous and a good proportion of the population of the partially excluded areas may fall into this category. Among the tribes whose administration has to be carried out by simplified regulations are the tribes of the Madras and Orissa Agency Tracts. In the hills of Assam, many matters, both civil and criminal, except of a very serious nature are dealt with by the tribal councils according to tribal law or custom and special regulations apply to the tract. In the Chota Nagpur plateau, to a lesser extent in the Central Provinces and Bombay however, special land laws are the notable feature and tribal institutions do not appear to play an appreciable part except perhaps among a few tribes. The general tendency among the aboriginal tribes is to draw no clear-cut distinction between criminal offences and civil grievances and methods of punishment or redress. The administrative feature common to many of the areas is therefore the administration of civil or revenue and criminal law by a single and not by separate officials. As for systems of taxation, taxes generally take the shape of poll tax, house tax or a tax based on the number of axes or ploughs depending on the system of cultivation. Often, taxes are paid by the village as a whole. Revenue is obviously small and the abode of the tribes is thus an area lacking in financial resources. Needless to say development of communications, medical and veterinary aid and education is poor.

60. This then is roughly the bedrock on which the scheme of administration must be built. It will be necessary to provide for tribal councils or village institutions which administer tribal law and deal with petty offences for a mechanism for dealing with larger areas or agglomerations of differen

tribes for the purpose of other matters generally falling under local self-government, and finally the question of a part in the provincial administration. The difference between the village institutions or of bodies corresponding to District Councils which may be established in tribal areas, and institutions like village panchayats or boards would in the main be that uncodified tribal law and custom play a large part in the functioning of the latter. It may be desirable and necessary however to define the subjects as closely as possible.

61. It is obviously difficult, if not impossible, to attempt a general scheme except in essentials which would apply to tribal areas wherever situated. In villages inhabited by tribes who have become accustomed to regular administration and have no live tribal institutions, it may be undesirable to apply a new system and such villages must clearly be treated on an equal footing with non-tribal villages. This leads to the need for determining special areas, and it is clearly desirable that they should be as far as possible readily recognisable and compact, and incidentally to distinguish, if necessary, between blocks inhabited by the same tribe or similar tribes. Within the ambit of the village institutions or tribal councils may vest, subject to the control of the provincial Government (a) the maintenance of watch and ward in the village (or group of villages); this may perhaps be necessary in certain hills of Assam only; (b) the administration of tribal law with the exception of offences specified by the provincial Government as serious or matters beyond their jurisdiction; (c) the collection of taxes approved by the provincial Government or imposed by the provincial Government; (d) management of the village forest*; (e) the use of country or home-brewed liquors.† These are some of the possibilities and the subjects need not be the same in all provinces. Where areas inhabited preponderantly by tribes and corresponding in size to districts or tehsils can be isolated, and tribal custom is still strong, but the people can act as a unit, powers in these matters and where suitable, powers to manage or assist in the management of schools, dispensaries, and roads could be conferred on institutions which may be designated as Scheduled Area Boards or Councils and would correspond to existing District Boards or Councils. Obviously these bodies must have powers corresponding to rule-making powers. If the tribes are such that they cannot manage anything above the village level, or consist of an isolated pocket only, they must obviously be left on that level. The area may then be covered by the usual District Board or Local Board to which if possible the tribes would send a representative. It is obvious that a separate agency for watching over the interests of tribes who are not fully capable of looking after themselves is needed and it is only such an agency that can afford adequate safeguards.

62. As regards provincial legislation such legislation should probably not apply to tribes and tribal areas if it deals with such subjects as social, forest, excise or rights in land, except under special arrangements which will be discussed later.

*Argument in extenuation of shifting cultivation are put forward by a number of writers. The case against it is stated by the Orissa Partially Excluded Areas Committee in paras. 58-64.

†See however the reports of Symington (paras. 138 to 150) and the Thakker (Orissa) Committee (para. 51).

CHAPTER V

LEGISLATURES AND SPECIAL PROVISIONS

63. It has been pointed out in Chapter IV that the areas inhabited by the tribes vary in size enormously ; from the thickly populated Chota Nagpur plateau with an area comparable to that of a small province of the similarly extensive but sparsely populated hills of Assam to isolated pockets consisting in some cases of only a few hundred tribesmen in the hills of the south. They are also interlaced with non-tribal population to a varying extent, the excluded areas of Assam and Bengal being inhabited almost entirely by them, while in Orissa and Bihar they constitute 42 to 46 per cent of the population of the partially excluded area. These facts, in addition to other features like the varying degrees of sophistication and assimilation, the existence of special regulations in some cases and governance by ordinary law in others are relevant to the scheme of administration.

64. So far as tribes in pristine simplicity or the very early stages of assimilation are concerned, the question of village self-government has been discussed already. Even in more advanced but individualistic tribes with strong tribal sentiments and institutions, such village institutions would form the basis. In the one case the link with the administration of the province would be weak, in the other firm and self-sustaining. Where assimilation and development are both advanced, comparatively little or no special treatment except perhaps the general one of a minority may be necessary. The simplest form of special treatment (whether in addition to or without tribal self-administration) for an area is that of provisions for avoiding unsuitable legislation. The preliminary to this, as already pointed out, is a provision for defining the areas which require special treatment. These two features are in fact now contained in the Government of India Act. In his Report on the Aboriginal Problem in the Central Provinces and Berar, Mr. Grigson suggests that had there been no such provisions, the Provincial Governments would have found it necessary to add a corresponding provision to their General Clauses Acts so as to meet the special problems of the backward areas and to avoid the holding up of legislation needed in the advanced areas. He points out that the C. P. Ministry in 1939 found it necessary to leave certain exceptions admittedly necessary for the protection of aboriginal tenants to be dealt with later under Section 92. There appears considerable force in this suggestion which leads to the conclusion that the provincial constitutions must contain either a schedule of areas, or a general provision enabling the Provincial Governments to schedule certain areas, to which general legislation should not automatically apply but should be extended by notification. Since such a schedule could be altered from time to time, it would be possible to keep pace with the advancement of the areas. Provisions regarding the conditions and agency by which the schedule, if provided in the constitution itself, can be expanded or contracted are also needed. If it is considered that deletion of an area from the schedule should be subject to certain safeguards, a possible way would be to make it the subject of a special procedure such as a majority vote of the tribal representatives in the Legislature or the approval of the Union Legislature. Provincial Governments would of course have power to make special laws, or re-

gulations under existing laws, for such areas and it is not necessary to discuss this further. The question as to who should initiate legislation or legislations in certain matters may be considered separately.

65. The most important power vested in the Governor at present is that of withholding legislation or, differently looked at, that of a veto on legislation. So far as areas in which the population gets a measure of tribal self-government are concerned, the question does not arise except in respect of legislation or matters not included in tribal self-administration. In areas where such autonomy is not conferred, the question has to be dealt with in a more general way but it is obvious that any special provisions or position conferred on certain areas in respect of themselves may in practice prove to be a privilege for which others may see no justification. To correspond to the protection conferred by the Government of India Act the special arrangement made may amount to a right of veto on legislation. The right of withholding or modifying legislation could possibly be exercised : (a) by a functionary corresponding to a Governor under the present constitution acting in his discretion : (b) if there is no such functionary or if it is considered unsatisfactory that he should act in his discretion, by suitable mechanism associated with the legislative body itself ? (a) does not appear to need discussion except that in certain areas, it may be considered desirable for the head of the Government to act in accordance with the advice (perhaps of a special Minister) rather than solely in his discretion. As regards (b) several ways of doing this need to be considered.

66. Much will depend on the constitution of the provincial legislature but except in provinces like Madras, Bengal, U.P., the percentage of the aboriginal population to the general may result in representation of the tribes in the legislature by a multiplicity of members. In provinces where this is the case one way of providing a veto on unsuitable legislation would be to require that legislation in respect of specified subjects (such as tenancy or social legislation, education, etc.) if it is to apply to Scheduled areas, must be supported by a majority of the tribal members. It appears necessary to restrict such a right to specific subjects since a right of veto of all legislation would confer powers which could easily be misused for say, obstructing proper though unpalatable legislation or for political manœuvring. The specification of subjects may present some difficulties but would perhaps be preferable to a vague generalisation like "legislation which may disrupt tribal life or culture," etc. Where this expedient is not possible or desirable and a tribal council is functioning effectively over areas which may be of suitable size to render it practicable, previous or subsequent concurrence of such council may be made necessary for the issue of a notification applying the legislation to such areas.

67. In provinces where the tribes constitute a fairly large proportion of the total population or inhabit extensive tracts, other methods of avoiding unsuitable or unwanted legislation could be considered. It has been suggested for instance that there should be two separate Upper Chambers, one containing only the representatives of the tribal areas and the other only of representatives of the non-tribal areas. Bills passed by the Assembly or Lower Chamber would have to be passed by the appropriate Upper Chamber before it could apply to tribal or non-tribal areas respectively. This method may be suitable particularly in provinces where the number, diversity and individuality of the tribes is such that satisfactory representation by a few persons is not possible. Another suggestion is that of a sub-province with

two legislative bodies, one containing only the representatives of the tribal areas and dealing with purely tribal matters and another containing representatives of the tribes which would operate for the whole province in all common matters.

68. The financial implications of a sub-province need to be taken into consideration and it is to be examined whether this proposal would be workable unless the legislature of the sub-province is to exercise merely the same functions as a separate Upper Chamber. In regard to the Khasi and Jaintia Hills of Assam in particular, a suggestion has been made that the hill districts (with its States) should form a federated state with an elected legislative body and an executive council elected by the legislature. This State would be connected with the province of Assam for the purposes of the University, Medical and Agricultural departments and other educational institutions towards the expenses of which the State would contribute. The State would have representation in the Assam Legislature but no legislation of that Legislature would apply directly to the federated State, but should go through its executive in the legislature. This amounts to making a sub-province out of the area and it remains to be examined whether such a sub-province would be able to finance and provide an executive staff of a suitable calibre. A similar position is contemplated for the Garo Hills and it follows that for the Naga and Lushai Hills also the same possibility must be scrutinised.

69. Whatever their relative merits these schemes of separate Legislative Chambers or sub-provinces need to take into consideration the position of non-tribals living in the areas in question. Where the non-tribal population is negligible as in the case of the Naga Hills, the Lushai Hills or the Mikir Hills, there are no complications and a tribal legislature can be constituted. In such places as the Chota Nagpur plateau or the Santal Parganas, where the maximum percentage of the aboriginals is 70 in Ranchi district and varies between 58.4 in Singhbhum to 27.3 in Hazaribagh district, it is clear that the position is more difficult. Actually in the Bihar partially excluded areas only two districts, Singhbhum and Ranchi, have a majority of aboriginals. In the Santal Parganas the proportions are practically equal and in the remaining three districts the aboriginals constitute a minority. In all such cases, at whatever stage the tribal councils or boards are utilised for the purpose of passing legislation applicable to the tribal areas, rectification of boundaries may afford more compact blocks of aboriginal population, but it is very doubtful if such adjustment would make the position radically different. It would appear that either there must be a severe restriction of subjects which a purely tribal legislature would deal with, or the idea of a separate legislature is not workable for the area as a whole. The local council idea for blocks of predominantly tribal composition appears more practicable in such cases but may split up the area and the tribes in an undesirable manner. The other possibility in these circumstances is that of a separate tribal vote, again in respect of specified subjects. Where however the bulk of the population is tribal, the separate legislature scheme would appear workable.

70. Difficulties may however arise here also in regard to finances, but if the position is not that of a sub-province with a separate executive of its own, the areas with separate legislatures would have representatives in the provincial legislature and possibly also representatives in the provincial executive with the result that financial management can be carried out without frequent deadlocks.

71. The question as to who should initiate legislation applicable to tribal areas in such matters as social reform etc. is not a matter of great importance if application is made dependent on the concurrence of a tribal council or chamber. It does not appear necessary to make a provision in the constitution for the purpose in that case, but if no such mechanism is provided and a safeguard is considered necessary it could be provided that such legislation should be instituted only by tribal representatives.

72. The next point in respect of which the existing Government of India Act makes provisions is that of finance. So far as the excluded areas are concerned, the expenditure connected with their administration is a charge upon provincial revenues and is not subject therefore to the vote of the provincial legislature, expenditure on the partially excluded areas however is subject to the vote of the legislature. It has been pointed out in the memorandum from Assam that this arrangement has actually resulted in the excluded areas benefiting, at the expense perhaps of the partially excluded areas. It is not suggested that the partially excluded areas have been deliberately starved, but in any province in which there is a struggle for funds between different departments and areas it is likely that the one in respect of which there is least pressure will get the least allotment. So far as the excluded areas are concerned, since adjustment by the legislature or the Ministry is not possible, it is likely to get more than its due share. On the other hand, if the system of creating a charge upon the provincial revenues is eliminated, the excluded and partially excluded areas will be placed on an equal footing with the rest of the districts and it is perhaps possible that in view of the lesser political importance of the areas and even the lower demand from its inhabitants, they may both suffer. Apart from a separate agency which would scrutinize and make recommendations regarding the development of the backward areas and the provisions required in respect of them which will be discussed later, it appears necessary to make a provision in the provincial constitution by which attention at least can be concentrated on the needs of such areas. Even to show separately, without in any way affecting the power of the legislature or the ministry to make adjustments, the expenditure proposed to be incurred upon such areas would not perhaps be without effect. In other words, a separate statement of expenditure for scheduled areas may serve to some extent the purpose of constantly drawing attention to the needs of such areas. Also the separate provision would make it easier for tribal representatives in the legislature to discuss the provisions and to draw attention to their adequacy or otherwise. This may not be as powerful a safeguard as may be desired, since in the last resort the representatives of tribal interests would only be able to recommend or advice. Apart from placing a responsibility on the head of the Government to satisfy himself as to the adequacy of provision, or by providing that in the case of demonstrable and persistent neglect, the Central Government or a Court of Law can interfere (that is, making it a justiciable issue) no other total safeguard would appear practicable.

73. As regards other safeguards under the present constitution, questions such as representation in the services, provisions regarding language, religion etc., which are common to other minorities do not appear to require special provisions for the tribes. Land legislation is however of paramount importance and Acts like the Chota Nagpur Tenancy Act are regarded as the "bulwark of the backward classes". Loss of land to money-lenders

in particular is among the main causes of the deterioration and decay of the tribes and provisions to enact laws for preventing the acquisition of land held by aboriginals may be considered necessary.

74. As regards the isolated pockets of tribes or tribal populations contained outside the present excluded or partially excluded areas, the Governor has at present no powers to withhold legislation and can only act under the Instrument of Instructions. Protection for such populations would be afforded by the general provisions made for the protection of minorities. The grant of tribal self-government previously discussed would, where it is applied, of course provide the desired protection.

To sum up, the general provisions required are as follows :—

- (a) The Constitution may provide, or the Provincial Government may issue a list of areas to be known as scheduled areas to which provincial or central legislation shall not apply unless specifically applied thereto by separate notification, with or without modifications.
- (b) The Provincial Government may notify a list of tracts or even individual villages in which the tribal councils will deal with specified subjects subject to the general control of the Provincial Government.
- (c) The Provincial Government may constitute special councils for scheduled areas with powers of administration and/or rule-making in respect of specified subjects subject to the general control of the Provincial Government.
- (d) In Provinces like Bengal, Assam or Bihar, containing large areas inhabited exclusively or almost exclusively by aboriginal tribes the Provincial Constitution may provide either (i) for certain legislation to be passed by representatives of the tribes only or by a double vote or (ii) set up a tribal legislature or council with legislative powers in respect of specified subjects, or (iii) an Upper Chamber for representatives of such areas through which legislation applicable to them must pass : in the case of (ii) the tribal legislature would have representation in the provincial legislature.
- (e) A separate statement of expenditure should be prepared for scheduled areas or for the district or smaller unit in which they are included and should be separately passed by the legislature.
- (f) In view of the importance of rights in land and protection from expropriation, it may be necessary to include suitable provisions either making it incumbent on the Provincial Government to pass the necessary legislation or by making it illegal to enact legislation which permits the acquisition of land and rights in land held by aboriginals by others or both.
- (g) Provisions for representation in the services etc. as in the case of other minorities.

75. This brings us to the question of the form of the Executive. Representation in the Executive is of course on an entirely different footing from representation in the legislatures. While it may be fairly easy to find suitable representatives for the tribes in the legislature, it is likely to be a much more difficult matter to find representatives who could suitably be included in the Executive. In the legislature the representatives function by putting forward the claims of the constituencies which they represent and by using their vote, but to take part in actual administrative measures requires persons not only with a high standard of ability but also of political experience. A number of tribal areas may not therefore be able to supply suitable numbers for the Executive, but without doubt such persons may be available in other such areas. Apart from the legitimate aspirations which persons of tribal origin may have for representation in the Executive the question of representation in the Executive is of importance in connection with the scheme of administration itself. For example, it has been suggested in Linguistic Provinces and Regional Arrangements (II) that one way of arranging for the administration of Provinces with excluded and partially excluded areas like Assam is to provide for a separate Minister whose exclusive function would be to deal with the subjects for that particular area. It is not suggested that this Minister should be necessarily a person belonging to a particular tribe or community, but it may be advantageous for obvious reasons that the Minister, in the event of such a mechanism, should be selected from among people of the tribal community. It may however be difficult to provide for such matters in the constitution itself, and as suggested in the article referred to above, a good deal will have to be left to be dealt with by Rules of Business framed under the constitution.

76. A point of some importance which has been urged by officials and anthropologists is that of appointing as far as possible officials of tribal origin to tribal areas. It may not be desirable to include a provision for this in the constitution.

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CHAPTER VI

ELECTORATE AND REPRESENTATION

77. The Partially Excluded Areas are at present under the control of Ministers and are included in electoral constituencies. The Excluded Areas, on the other hand, have no representation in the legislature. With the exception of the Garo and the Mikir Hills of Assam where only the Garo Nokmas and Mikir headmen have got the franchise, in all other partially excluded areas the general system of franchise applicable to non-tribals and non-tribal areas are applicable to tribals also with the exception that in certain tribal areas the qualification may be fixed specially with regard to the condition of the aboriginals. The extent to which aboriginals, on the basis of the existing franchise, have equal voting power with non-aboriginals needs detailed examination after material has been collected from the provinces. In regard to the Central Provinces however there is a table given on Page 372, para. 412 of Mr. Grigson's Report on the Aboriginal Problem in the Central provinces and Berar which is of interest. This report shows that though the percentage of aboriginal voters to the total population is 23, the percentage of aboriginal voters to all voters amounts to only 19. This seems to indicate that in proportion to their population aboriginals have less voting power on the present limited franchise. Though the difference indicated is not very large the figures of different districts indicate considerable variation. In Bhandara for instance though the percentage of aboriginal to total population is 12, the percentage of voters is only 5, and similarly in Wardha the former percentage is 10 while the latter is 4. In the Chindwara district however this position is reversed, and actually the proportion of aboriginal voters to all voters is 39 against the general percentage of 37. In the Chanda district the difference in percentage is 20 : 11 against the aboriginal. The general conclusion which may be drawn from the table is that the aboriginal, though weak in certain districts of the C.P., is not on the whole far behind the non-aboriginals of the province. It is however certain that in other provinces, or in certain areas at any rate, a system of franchise based upon land tax, municipal tax or other property qualifications or literacy qualifications is likely to be against the aboriginal. Under a system of adult franchise the aboriginal would be able to vote on equal terms with the non-aboriginal. The question of universal adult franchise is of course one which will require examination and consideration separately, but in regard to the aboriginals an obvious difficulty may be met with wherever the aboriginals are in the habit of shifting from village sites and moving from place to place. In the Mikir Hills where this happens the headmen have at present the vote but it is more likely that in other areas such as the Melghat where similar movement occurs, the aboriginal will be simply left out. In other words, though there is universal franchise the efficacy of it in certain areas is likely to be very much less than in certain other areas.

78. Wherever the aboriginal has a franchise he has probably made use of it along with the non-aboriginals. The figures given in para 413 of Mr. Grigson's Report would indicate that in the Central Provinces aboriginals voted to the extent of between 45 and 65 per cent of their voting strength. This is generally a good figure by comparison with voters of other communities who also show similar figures. It is suggested in Mr. Grigson's Report that the aboriginals voted under political pressure from the major parties without understanding the significance

of the vote. It is perhaps a truism that the effect and significance of the vote is yet to be fully appreciated by a not negligible percentage of rural voters, and it is possible that the aboriginals may show a larger percentage of such voters than other communities. But it would perhaps not be right to ignore the fact that a large percentage of persons of tribal origin who qualify under the present standards for a vote are not much inferior to the non-tribals among whom they live and can exercise the vote as intelligently or as unintelligently as the others. It seems however incontestible that so far as taking active part in politics or local self-govt., the tribes as a whole have much lee-way to make up. The political education which has now made a beginning may be unsatisfactory as yet but it is obvious that it will not be long before the aboriginal, like others, will begin to value and use the vote to his advantage. The difficulty will arise in certain very backward areas like the Ganjam Agency Tracts where it would appear that the state of development of the tribals still makes the question of their ability to take part in elections doubtful. More detailed examination is however necessary.

79. As regards representation in the legislatures, with the exception of certain special backward tribes seats reserved in six provinces, the tribal candidates like the tribal voters have been placed on the same footing as non-tribals. It is of course open to them to stand for election in territorial constituencies in which they reside but the number of aboriginals succeeding in or standing for elections does not seem to be considerable. Mr. Grigson, in para. 411 of his Report notes that in C.P. two seats were won by Rajgonds and that a gond candidate was able to give a good fight to the future Finance Minister of the province. In the Central Provinces, Bihar, Assam and Madras, the reserved seats are filled up by election either from a special Backward Tribes constituency or a seat reserved for a backward tribes candidate in a general constituency. In Orissa one seat is filled by reservation and four others by nomination. Orissa is the only province in which candidates are nominated for tribal seats and actually on account of the tribes being unable to provide a suitable representative a European Missionary has been one of the tribal representatives in the Assembly. The maximum number of reserved seats is 9 in Assam. In no province however would tribal representatives appear to have reached the legislatures in number proportionate to their population. Thus in the Central Provinces only 3 candidates would appear to have represented the tribes in the legislature though the population is between one-fifth and one-sixth of the total population. On the other hand, as pointed out by Mr. Grigson in his Report, the scheduled castes have a reserved representation of 20 against 1 for the aboriginal tribes.

80. In common with other 'minority communities' the tribal community will be inclined to look at the census figures and to draw conclusions regarding its importance and representation. The figures of the 1941 Census providing as they do a consolidated return for all members of tribes of whatever religion will doubtless prove to be the basis for a claim for representation based on the return of 16.7 millions for British India. Not only this but a claim for weightage as a minority may also be put forward. It may further be followed up by a claim for separate electorates at least in particular areas. Such questions will of course have to be dealt with as general problems common to minorities and along with them but it may be useful to consider a few factors here. So far as comparisons with representations provided for other minorities are concerned, the representation of Muslims is at present governed by the Lucknow Pact of 1916 and the Communal Award. The representation of the Scheduled Castes is governed by the modified Communal Award. Muslims and Sikhs have at present apart from Anglo-

ndians and Europeans) separate electorates and the Scheduled Castes have a system of joint electorates based on primary elections by a Scheduled Caste electorate. Muslims, Sikhs and other communities with separate electorates are fairly compact communities. The Scheduled Castes who have a joint electorate, if they are regarded as a community for electoral purposes, are not as compact and though there may be an All-India unity in some ways among them like the Hindu castes, there is considerable variation and certain castes are regarded as scheduled in certain districts only and not in others. The tribes on the other hand exhibit much greater variety and individuality, sometimes within the same province. In Assam for instance, the tribes in the Naga Hills are individualistic to the extent of difficulty in finding common representation for neighbouring tribes. In a province like Madras for example, the total tribal population is shown as over half million, but excluding the agency tracts they are spread out over the districts in such small pockets and in such variety that representation in the legislature in proportion with the population may simply result in undue importance being given to certain tribes while the interests of others are completely ignored. Then there is the feature of the tribesmen who merely constitute a caste of the Hindu community. The question is whether such persons should be brought in by means of reserved seats. If they are, it appears very doubtful whether they would represent anything more than the interests of the Hindu community of which they have become a part; they would obviously not be able to represent the interests of the tribe of which they formerly formed a part and of which the still tribal population may not even be living within the district in which the candidate is resident. These considerations would suggest that reservation, if any, should be provided only for "the real Highlanders" as Elwin calls them. The possibility of elections in mixed areas like Chota Nagpur, C.P. etc., by the system of proportional representation needs to be examined. It is clear however that in many ways the position of the tribes corresponds to that of the scheduled castes.

81. Reservation of certain seats for the backward tribes exists at present as stated above. The common feature of the electoral provisions for these seats is that no person who is not a member of a tribe is entitled to be elected. In the Garo and Mikir Hills Constituencies a resident of the area is qualified. In Bihar it is laid down that in a constituency with a reserved seat for the backward tribes, no person shall have more than one vote. But since the constituencies include non-aboriginal population as well, the provision does not appear to amount to a separate electorate. A feature of the Bihar constituencies is that in areas where there are reserved seats for tribes no seats are reserved for Scheduled Castes as well. In the Central Provinces it is specified that a person shall not be qualified to be included in the electoral roll of the backward tribes constituency unless he is a member of the backward tribe. This provision seems to have been made as the Seoni Tahsil of the Chindwara District and Mandla Tahsil of the Mandla District both form separate general constituencies also. In Assam also similar provisions are made for the same reasons but only in the Backward Tribes (Plains constituencies). These arrangements are not meant to be a separation of the electorates, and in Bombay for instance, voting for the reserved tribal seat in the West Khandesh west constituency is not restricted to tribals.

CHAPTER VII

SUPERVISORY AGENCY

82. During the debates in Parliament on the formation of the Excluded and Partially Excluded Areas, reference was made to the need for appointment of a Special Officer, in particular the recommendation made by the Commissioner of the Nagpur Division in the Central Provinces for the appointment of a Special Officer to be designated as Protector of Aborigines was drawn attention to. The Commissioner of Nagpur Division was of opinion that without some such provision there was no assurance that systematic measures would be taken for the development of these backward tracts and in particular for the gradual introduction of the tribes to the electoral system "so as to enable them to take their part in the political life of the province as a whole in due course". Anthropological writers, as already noted, have voiced the criticism that expert advice is not sought in the administration of the backward tracts. What is obvious is however the fact that the areas inhabited by the tribes are comparatively little known and few people visit them or take interest in the inhabitants, on account of their remoteness and highly malarial climate. It would appear that officials regard posting to such places as a punishment and conversely that such postings have been ordered as a measure of punishment. The conditions in the backward tracts are seldom brought to prominent notice in the Press or in the Legislatures, and since the more developed areas quite often make a large claim upon funds allocated to nation-building departments and, in view of their political importance, get it also, the backward tracts are apt to be neglected. Both Mr. Grigson and Mr. Symington point out that district councils and local boards spend little money in the aboriginal tracts. Perhaps this criticism needs further examination, but it is not unlikely that there has been such neglect. It appears necessary therefore that in order to allow for a continuous review of the conditions and development of the aboriginal areas a machinery should be set up for a periodic examination of the position and for advice or recommendations.

Another matter in which continuous vigilance would appear to be necessary is the enforcement of existing legislation. Much legislation has been passed for the safeguarding of the rights of the aboriginals in land, but money lenders and village proprietors are apt to find means to circumvent such legislation and if they find a comparatively casual officer, evasion is rendered much easier. Instances are quoted in the reports referred to of evasion of the laws and expropriation of the aboriginals. It is of course a fact that this kind of expropriation occurs not only of aboriginal tenants and ryots but also of non-tribal but poor and uneducated people. The enforcement of protective legislation would therefore be of advantage to all backward classes.

83. Thus for periodic review of the conditions in the tribal areas, for putting forward their needs, for recommending legislation, for watching enforcement of existing legislation, for bringing to notice acts contrary to the interests of the aboriginals, for putting forward schemes of amelioration etc., it is necessary to constitute an agency for supervision. A number of provinces like Bombay and Orissa have set up a Backward Classes board or department. The Orissa

Partially Excluded Areas Committee recommended the setting up of an Advisory Board and a special department on the ground that the aboriginal had remained backward for a long time and would continue to do so unless speedy measures were taken to accelerate their social, economic and political uplift. The Sapru Committee recommended that watching the interests of the aboriginal tribes could well form part of the duties of the Minorities Commission recommended by them to watch over the interests of the Minorities. This proposal is more or less of the same type as the Backward Classes Board or department. A special commission provided by the constitution itself may have greater authority and give a stronger sense of protection and satisfaction to the minority. It would be suitable to make provision in the constitution in each province or group for this purpose.



STATEMENT SHOWING TOTAL POPULATION AND TRIBAL POPULATION BY DISTRICTS.

Province or District	Total Population	Tribal Population	Percentage
MADRAS			
British Territory	49,341,810	562,029	1.14
Vizagapatam	3,845,944	286,923	7.46
<i>Agency</i>	<i>221,437</i>	<i>140,721</i>	<i>63.55</i>
<i>Plains</i>	<i>3,624,507</i>	<i>146,202</i>	<i>4.03</i>
Godavari East	2,161,863	101,532	4.70
<i>Agency</i>	<i>271,569</i>	<i>97,200</i>	<i>35.79</i>
<i>Plains</i>	<i>1,890,294</i>	<i>4,332</i>	<i>.23</i>
Godavari West	1,380,088	1,999	.14
Kistna	1,444,294	345	.02
Guntur	2,277,283	2,246	.10
Nellore	1,617,026	15	...
Cuddapah	1,056,507	19	...
Kurnool	1,146,250	5,878	.51
Bellary	1,051,235	548	..
Anantapur	1,171,410	4	..
Madras	777,481	2	..
Chingleput	1,823,955	39	..
Chittoor	1,632,395	..	..
North Arcot	2,577,540	..	..
Salem	2,869,226	6	..
Coimbatore	2,809,648	12,440	.44
South Arcot	2,608,758	..	..
Tanjore	2,563,375	213	..
Trichinopoly	2,194,091	24	..
Madura	2,446,601	6	..
Ramnad	1,979,643	..	..
Tinnevelley	2,244,543	161	..
Nilgiris	209,709	62,951	30.02
Malabar	3,929,425	34,366	.87
South Kanara	1,523,516	52,812	3.43

Province or District	Total Population	Tribal Population	Percentage
BOMBAY			
British Territory	20,849,840	1,614,298	7.74
<i>Bombay City</i>	<i>1,489,833</i>	<i>4,606</i>	<i>.31</i>
<i>Northern Division</i>	<i>5,276,593</i>	<i>874,103</i>	<i>16.56</i>
Ahmedabad	1,372,171	8,730	.64
<i>Ahmedabad City</i>	<i>591,267</i>	<i>5,744</i>	<i>.97</i>
Broach and Panch Mahals	924,527	208,617	29.06
Kaira	914,957	5,161	.57
Surat	881,058	320,575	36.3
Thana	932,733	257,130	27.57
Bombay Suburban	251,147	13,890	5.58
<i>Central Division</i>	<i>8,197,393</i>	<i>667,828</i>	<i>8.15</i>
Ahmednagar	1,142,229	41,146	3.60
East Khandesh	1,327,722	61,054	4.60
West Khandesh	912,214	357,719	39.21
Nasik	1,113,901	167,280	15.02
Poona	1,359,408	36,835	2.71
Satara	1,327,249	1,014	.08
Sholapur	1,014,670	12,780	.21
<i>Southern Division</i>	<i>5,885,971</i>	<i>67,761</i>	<i>1.15</i>
Belgaum	1,225,428	1,674	.14
Bijapur	975,982	1,008	.10
Dharwar	1,201,016	1,414	.12
Kanara	441,157	197	.04
Kolaba	668,922	62,170	9.29
Ratnagiri	1,373,466	1,298	.09

Province or District	Total Population	Tribal Population	Percentage
BENGAL			
British Territory	60,306,525	1,889,389	3·13
<i>Burdwan Division.</i>	<i>10,287,369</i>	<i>706,729</i>	<i>6·87</i>
Burdwan	1,890,732	151,355	8·0
Birbhum	1,048,317	74,084	7·07
Bankura	1,289,640	154,246	11·96
Midnapur	3,190,647	253,625	7·95
Hooghly	1,377,729	69,500	5·04
Howrah	1,490,304	3,919	·26
<i>Presidency Division.</i>	<i>12,817,087</i>	<i>99,235</i>	<i>·77</i>
24-Parganas	3,536,386	51,085	1·44
Calcutta	2,108,891	1,688	·08
Nadia	1,759,846	12,671	·72
Murshidabad	1,640,530	26,138	1·59
Jessore	1,828,216	4,978	·27
Khulna	1,943,218	2,675	·14
<i>Rajshahi Division.</i>	<i>12,040,465</i>	<i>776,729</i>	<i>6·44</i>
Rajshahi	1,571,750	67,298	4·28
Dinaipur	1,926,833	182,892	9·49
Jalpaiguri	1,089,513	279,296	25·63
Darjeeling	376,369	141,301	37·54
Rangpur	2,877,847	18,200	·63
Bogra	1,260,463	14,387	1·14
Pabna	1,705,072	6,096	·45
Malda	1,232,618	66,449	5·39
<i>Dacca Division</i>	<i>16,683,714</i>	<i>65,398</i>	<i>·39</i>
Dacca	4,222,143	4,029	·10
Mymensingh	6,023,758	59,722	·99
Faridpur	2,888,803	1,363	·05
Bakarganj	3,549,010	284	·01
<i>Chittagong Division.</i>	<i>8,477,890</i>	<i>241,298</i>	<i>2·85</i>
Tippera.	3,860,139	1,524	·04
Naokhali	2,217,402	34	...
Chittagong	2,153,296	6,348	·29
Chittagong Hill Tracts	247,053	233,392	94·47

Province or District	Total Population	Tribal Population	Percentage
UNITED PROVINCES			
British Territory	55,020,617	289,422	53
AGRA PROVINCE	40,906,147	289,244	71
<i>Meerut Division:</i>	<i>5,716,451</i>	<i>70</i>	<i>..</i>
Dehra Dun	266,244	..	..
Saharanpur	1,179,643	..	..
Muzaffarnagar	1,056,759	..	..
Meerut	1,896,582	..	..
Bulandshahr	1,317,223	70	..
<i>Agra Division :</i>	<i>5,326,768</i>	<i>79</i>	<i>..</i>
Aligarh	1,372,641	1	..
Muttra	806,992	..	..
Agra	1,289,774	..	..
Mainpuri	872,601	..	..
Etah	984,760	78	01
<i>Rohilkhand Division :</i>	<i>6,195,996</i>	<i>57</i>	<i>..</i>
Barcilly	1,176,197	28	..
Bijnor	910,223	11	..
Budaun	1,162,322	..	..
Moradabad	1,473,351	17	..
Shahjahanpur	983,385	1	..
Pilibhit	490,718	..	..
<i>Allahabad Division :</i>	<i>6,014,813</i>	<i>19,139</i>	<i>32</i>
Farrukhabad	955,377	47	..
Etawah	883,264	143	02
Cawnpore	1,556,247	1,083	70
Fatehpur	806,944	241	03
Allahabad	1,812,981	17,625	97
<i>Jhansi Division :</i>	<i>2,553,492</i>	<i>26,439</i>	<i>104</i>
Jhansi	773,002	12,494	106
Jalaun	482,384	6,361	131
Hamirpur	575,538	7,584	132
Banda	722,568	..	..

Province or District	Total Population	Tribal Population	Percentage
UNITED PROVINCES.— <i>contd.</i>			
<i>Benares Division :</i>	5,545,257	141,661	2·55
Benares	1,218,629	21,152	1·74
Mirzapur	899,929	43,383	4·8
Jaunpur	1,387,439	3,353	·24
Ghazipur	985,380	21,641	2·20
Ballia	1,053,880	52,132	4·95
<i>Gorakhpur Division :</i>	7,972,108	101,746	1·2
Gorakhpur	3,963,574	99,076	2·50
Basti	2,185,641	83	...
Azamgarh	1,822,893	2,537	·14
<i>Kumaon Division</i>	1,581,262	53	...
Nainital	291,861	...	...
Almora	687,286	..	...
Garhwal	602,115	53	·01
OUDH PROVINCE	14,114,470	178	...
<i>Lucknow Division :</i>	6,530,932	7	...
Lucknow	949,728	7	...
Unao	950,542	...	...
Rae Bareli	1,064,804	...	...
Sitapur	1,293,554	...	...
Hardoi	1,239,279	...	...
Kheri	1,024,025	...	...
<i>Fyzabad Division :</i>	7,583,538	171	...
Fyzabad	1,319,425	157	·01
Gonda	1,719,644	...	...
Bahraich	1,240,569	...	...
Sultanpur	1,100,368	14	...
Partabgarh	1,041,024	...	...
Bara Banki	1,162,508	...	...

Province or District	Total Population	Tribal Population	Percentage
BIHAR			
British Territory	36,340,151	5,055,647	13·81
<i>Patna Division :</i>	<i>7,265,950</i>	<i>300,004</i>	<i>4·12</i>
Patna	2,162,008	12,722	·59
Gaya	2,775,361	258,032	9·33
Shahabad	2,328,581	29,250	1·26
<i>Tirhut Division :</i>	<i>11,959,827</i>	<i>41,378</i>	<i>·35</i>
Saran	2,860,537	18,314	·64
Champanan	2,397,569	20,086	·83
Muzaffarpur	3,244,651	1,996	·05
Darbhanga	3,457,070	982	·03
<i>Bhagalpur Division :</i>	<i>9,598,025</i>	<i>1,393,041</i>	<i>14·45</i>
Monghyr	2,564,544	53,421	2·08
Bhagalpur	2,408,879	104,879	4·35
Purnea	2,390,105	104,856	4·38
Santal Parganas	2,234,497	1,129,885	50·56
<i>Chhota Nagpur Division :</i>	<i>7,516,349</i>	<i>3,321,224</i>	<i>44·19</i>
Hazaribagh	1,751,339	478,253	27·31
Ranchi	1,675,413	1,173,142	70·02
Palamau	912,734	323,106	35·40
Manbhum	2,032,146	678,126	33·37
Singhbhum	1,144,717	668,597	58·41

Province or District	Total Population	Tribal Population	Percentage
ORISSA			
British Territory	8,728,544	1,721,006	19·72
Cuttack	2,431,427	55,280	2·27
Balasore	1,029,430	29,757	2·89
Puri	1,101,939	29,555	2·68
Sambalpur	1,182,622	232,095	19·71
Ganjam	1,855,264	433,687	23·38
<i>Plains</i>	1,392,188	59,008	4·29
<i>Agency</i>	463,076	371,029	80·77
Koraput	1,127,862	340,632	33·40
SIND			
British Territory	4,535,008	36,819	·81
Dadu	389,380	154	·03
Hyderabad	758,748	769	·10
Karachi	713,900	884	·12
Larkana	511,208	...	...
Nawabshah	584,178	1,326	·23
Sukkur	692,556	51	·01
Thar Parkar	581,004	23,635	5·79
Upper Sind Frontier	304,034	...	...
AJMER-MERWARA			
AJMER-MERWARA	538,693	91,472	15·67
ANDAMANS & NICOBARS			
ANDAMANS & NICOBARS	33,768	11,076	32·80
Andamans	21,316	...	...
Nicobars	12,452	11,076	88·95
COORG			
COORG	168,726	19,723	11·69